

1 BILL NO. Z-82-07-07

2 ZONING MAP ORDINANCE NO. Z-<sup>D</sup>Wickerson

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. N-27.

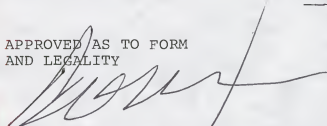
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:


7 SECTION 1. That the area described as follows is  
8 hereby designated a B-3-B (General Business) District under  
9 the terms of Chapter 33 of the Municipal Code of the City of  
10 Fort Wayne, Indiana of 1974:

11 the East 158 feet of Lots #67, 72, 73 and 78,  
12 the West 59 feet of Lot #68, the West 59 feet  
13 of the North 92 feet of Lot #71, the West 41  
14 feet of the South 8 feet of Lot #71, and the  
15 West 41 feet of Lots #74 and 77, all in Home  
16 Gardens Addition, excepting therefrom the  
17 right-of-way taken for Tillman Road. Said  
18 property more commonly known as 805 Tillman  
19 Road, formerly the Hillcrest Elementary School,  
20 and the symbols of the City of Fort Wayne Zoning Map No. N-27,  
21 as established by Section 11 of Chapter 33 of the Municipal Code  
22 of the City of Fort Wayne, Indiana of 1974, are hereby changed  
23 accordingly.

24 SECTION 2. That this Ordinance shall be in full force  
25 and effect from and after its passage, any and all necessary  
26 approval by the Mayor, and the legal publication thereof.

27 APPROVED AS TO FORM  
28 AND LEGALITY

29   
30 Bruce O. Boxberger, City Attorney

31   
32 Councilmember

Read the first time in full and on motion by E. Stier,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 7-13-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<del>XXXXXX</del>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 8-10-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the 10th day of August, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 11th day of August, 1982, at the hour of  
11:30 o'clock PM M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

BILL NO. Z-82-07-02

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. N-27

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE WITHDRAWN PASS.

BEN A. EISBART - CHAIRMAN

JANET G. BRADBURY - VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

8-10-82  
CONCURRED IN  
DATE 8-10-82 CHARLES W. WESTERMAN CITY CLERK

# RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 7285

FT. WAYNE, IND.

29 June 1980

RECEIVED FROM

Benjamin Wilson, Resident

\$ 50.00

THE SUM OF

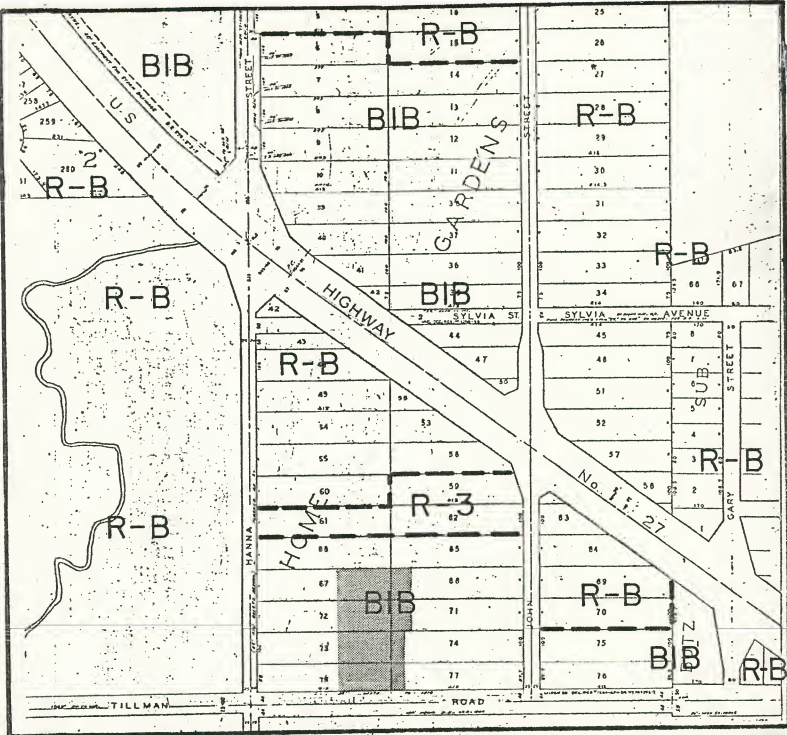
fifty and 00/100


DOLLARS

ON ACCOUNT OF

Benjamin Wilson, BIA # BSB

AUTHORIZED SIGNATURE



 REQUEST TO CHANGE FROM BIB TO B3B ZONING  
*Z-82-07-02*

MAP NO. N-27

BY WILLIAM H. NESBITT 6-30-82

N

RECEIPT NO. \_\_\_\_\_

DATE FILED June 29, 1982

INTENDED USE Recreation Facility

THIS IS TO BE FILED IN DUPLICATE

We Benjamin William Berry  
(Applicant's Name or Names)

I/We hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

805 East Tillman Road, Fort Wayne IN Document #82-10581

See Exhibit-A attached

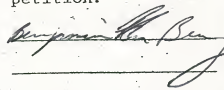
(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Benjamin Wm. Berry

3470 Sandpoint Rd. Ft. Wyn.



(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Benjamin William Berry 3470 Sandpoint Rd. Fort Wayne IN 46809

(219) 747-3557

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

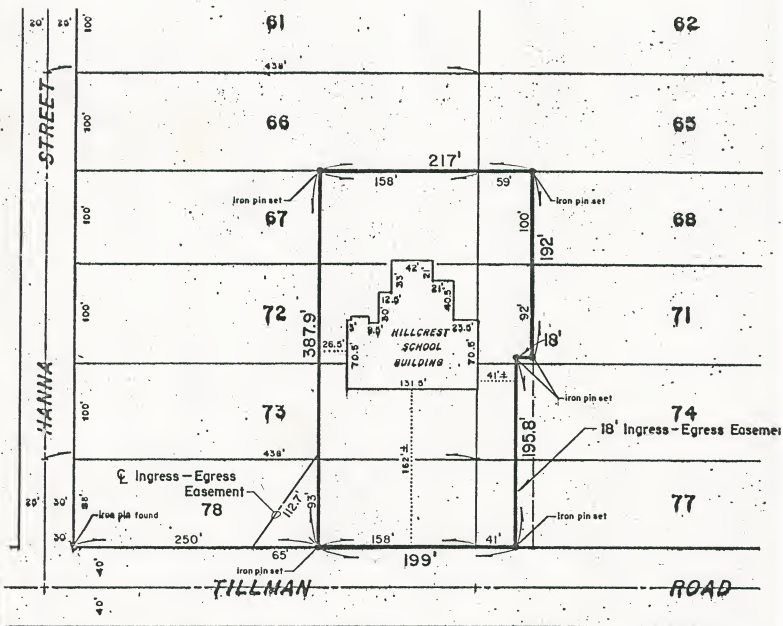
EXHIBIT - A

The undersigned Land Surveyor, registered under the Laws of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below.

Measurements were made and monuments set in conformity with the records on file in the office of the Recorder of ALLEN County, Indiana and to the best of my knowledge accurately shown. Any encroachments or discrepancies are shown below.

Legal description of real estate.

The East 158 feet of Lots #67, 72, 73 and 78, The West 59 feet of Lot # 68, The West 59 feet of the North 92 feet of Lot # 71, the West 41 feet of the South 8 feet of Lot 71 and the West 41 feet of Lots 74 and 77, all in Home Gardens Addition, excepting therefrom the right-of-way taken for Tillman Road.



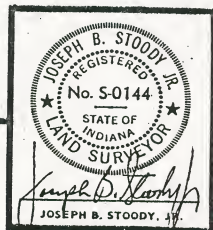
Subject real estate does not lie in a flood hazard area as defined by the Dept. of HUD, FIA Flood Hazard Boundary Maps.

FOR: General Electric Employees Federal Credit Union - Berry

SCALE 1" = 100'

DATE 08 June 1982

JOB NO. 6019





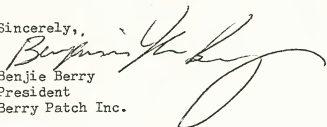
July 19, 1982

City of Fort Wayne  
Community Planning and Development  
Gary Baeten  
Senior Planner

Dear Sir,

Please accept this request to withdrawl the petition to rezone 1.7 acres of land located at the Hillcrest Elementary school, 805 east Tillman Road, Fort Wayne, IN. And please strike this item from the agenda for the public hearing on this matter scheduled for 7 p.m. Monday, June 19. Thank you for your attention to this matter.

Sincerely,,

  
Benjie Berry  
President  
Berry Patch Inc.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1982 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-07-02; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1982; and,

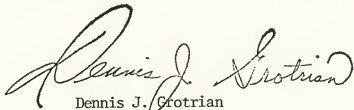
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted by the Fort Wayne City Plan Commission.

Certified and signed this  
27th day of July 1982.



Dennis J. Grotrian  
Secretary



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment:

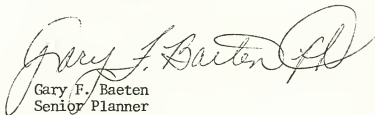
1. Bill No. Z-82-07-02

This ordinance was requested **WITHDRAWN** by the petitioner.  
A copy of the petitioner's written request is attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-82-07-02

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE 895 East Tillman Road formerly the Hillcrest Elementary School.

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_